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FILED BY THE BOARD OF
SOCIAL WORK EXAMINERS

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF THE APPLICATION
FOR REINSTATEMENT OF THE
LICENSE OF:

Administrative Action

CONSENT ORDER

DANA T. TRUDEAU
License No. 44SC00843700

TO PRACTICE CLINICAL SOCIAL WORK
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Social Work Examiners (the "Board") upon application by respondent Dana T. Trudeau ("respondent"), to reinstate her license to practice clinical social work in the State of New Jersey. As part of the reinstatement process, respondent submitted to a Criminal History Background Check. That history revealed an arrest on October 25, 2004, and a subsequent conviction, by judgment dated March 4, 2005, of one count of third degree Obtaining CDS by Fraud in violation of N.J.S.A. 2C:35-13. Respondent was sentenced to two years probation.

Respondent submitted several letters to the Board explaining her efforts to renew her license, and advising the Board about the pending criminal charge against her. In a letter dated February 15, 2005, respondent explained that she was addicted to a prescription medication prescribed by a gastroenterologist, and "When a local pharmacy thought I was from the physician's office, they refilled the prescription I was addicted to . . . and I participated knowingly in this fraud." Respondent continued by explaining that after the pharmacy determined that the prescription respondent used was fraudulent, respondent was arrested and released. She realized that she needed treatment, and was taken to the Carrier Clinic and admitted to the Blake Recovery Center the next day. Following discharge from that program, respondent requested outpatient support and was admitted into the outpatient program of High Focus Treatment Center. She stated that she had random drug screens for three months during the program, and that all were negative for CDS.

Respondent appeared at an inquiry before the Board on October 19, 2005 to explain further the circumstances surrounding her arrest and conviction. Respondent testified that she was physically and mentally addicted to Lomotil, and rather than going to doctors to obtain the medication, she proceeded to renew the medications over the phone, representing herself as working in a physician's office. Respondent disclosed that she was arrested on November 17, 2003¹ after a pharmacist checked the prescription and found that it was not a legal prescription. She stated that the matter was disposed of in municipal court with a six month's loss of her driver's license. Respondent further testified

¹ This arrest was not revealed by the criminal history background check .

that she changed pharmacies, and used the same procedures to continue to obtain her medication by phone. She was arrested again on September 22, 2004 and charged with Obtaining CDS by Fraud. Respondent testified that she realized that she could not stop using the medication on her own, and so after the second arrest, she checked herself into the Carrier Clinic, Blake Recovery Center, for eight days. She commented that at the time of her admission to Carrier, she was told that no one there had ever heard of anyone becoming addicted to Lomotil, because, although it contains an opiate derivative, it also contains an opiate antagonist. After her discharge, she entered outpatient treatment at the High Focus Treatment Center for Addiction and Alcoholism, which she attended four days a week for three months. She also stated that she continues to attend Alcoholics Anonymous and Narcotics Anonymous meetings, and has sought psychotherapy to aid in her recovery. Respondent provided the Board with, among other things, copies of her Judgment of Conviction, Intake Report from the Superior Court, Adult Presentence Report, drug screen results from probation, a Progress report from High Focus Centers, an Intake Summary from her treating psychotherapist, as well as letters of recommendation, one of which was submitted to the Court prior to her sentencing.

Having reviewed the entire record, it appears to the Board that respondent knowingly participated in a fraudulent scheme to obtain CDS over a period of years, for which she was convicted and is currently serving a period of probation to continue until approximately March 2007. The Board recognizes that respondent actively sought treatment for her addiction, but the fraudulent conduct used by respondent to obtain the medication is of great concern to the Board. Because of the nature of her conduct and because respondent has not been employed as a social worker since at least 2003, the

Board believes respondent should not be permitted to engage in the independent clinical practice of social work at this time.

Respondent's conviction and the nature of the underlying offense provides a basis for denial of her application for reinstatement of her license pursuant to N.J.S.A. 45:1-21(b) and (f). However, the Board believes that granting respondent's application, conditioned on compliance with the terms of this Order, provides respondent with the opportunity to renew her skills as a clinical social worker while providing adequate protection of the public health, safety, and welfare. Respondent desiring to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 12th DAY OF Jan, 2005

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice clinical social work will be reinstated with restrictions, contingent on her compliance with the terms of this Consent Order and all requirements for licensure as a clinical social worker.

2. Respondent shall begin a period of probation for a minimum of two (2) years beginning with the date of the filing of this Order and until receipt of written notification from the Board stating that respondent has fully complied with the terms of this Order. Periods of time during which respondent is not employed as a practicing social worker shall be excluded from the computation of time to be served on probation. During the period of probation, respondent shall not engage in the independent practice of clinical social work. Respondent may be employed in a practice owned and operated by other practitioners, where on-site supervision is available and shall be provided in accordance with the terms

of this Order. Respondent shall not be permitted to supervise the work of licensed social workers or other licensees while her license is restricted.

3. During the period of probation provided herein, respondent's clinical social work services shall be supervised weekly by a New Jersey licensed clinical social worker, pre-approved by the Board, who can demonstrate compliance with N.J.A.C. 13:44G-8.1(a)4. Respondent may, in the alternative, be supervised by a licensed practitioner in a related field, provided that the practitioner submit his or her credentials to the Board for pre-approval. The prospective supervisor shall be provided a copy of this Consent Order. He or she shall submit to the Board a curriculum vitae along with a signed copy of this Consent Order, indicating that he or she has read the Order and agrees to comply with its terms. Respondent and her supervisor, who must be on site, shall meet face-to-face a minimum of one hour per week to review respondent's cases, including a review of her client progress notes. The supervisor shall provide quarterly progress reports regarding respondent's supervision and progress, including in particular her clinical practice skills, for the period of probation. An unfavorable report may be considered a violation of this Consent Order. In the event the supervisor becomes aware of a relapse by respondent, the supervisor shall notify the Board by telephone and in writing within twenty-four hours.

4. Upon completion of the period of probation provided herein, respondent may submit to the Board a request for an unrestricted clinical social work license after demonstrating compliance with the conditions of probation set forth in this Order. Respondent shall appear before the Board or a committee of the Board, if so requested by the Board. Regardless of whether respondent is required to appear before the Board or a committee, the burden shall be upon respondent to produce evidence acceptable to

the Board that she is fit and competent to independently practice clinical social work and that she is capable of discharging the functions of a licensed clinical social worker in a manner consistent with the health, safety and welfare of the public.

5. Respondent shall be precluded from engaging in any independent practice unless and until the Board issues an Order granting her an unrestricted license to practice clinical social work.

6. Respondent shall remain in psychotherapy during the period of probation at a frequency to be determined by the therapist but not less than once per week. Requests for a decrease in the frequency of therapy to less than once per week must be made to the Board, and be supported by a letter from the treating therapist providing a reason for the requested decrease. Respondent shall submit her current psychotherapist's name and credentials to the Board for evaluation within ten (10) days of the filing of this Consent Order. In the event the psychotherapist is not approved by the Board, respondent shall provide the Board with the credentials of an alternate psychotherapist for approval within ten (10) days of notification that the psychotherapist has not been approved. Unilateral cessation of therapy by respondent shall constitute a violation of this Order. In the event respondent ceases therapy with her approved therapist, respondent shall notify the Board in writing within three (3) days of cessation of treatment with the reasons therefor and shall submit the credentials of an alternate psychotherapist to the Board for approval within ten (10) days thereafter. Respondent shall provide all therapists with a copy of this Consent Order. Periods of time during which respondent is not in therapy shall be excluded from the computation of time to be served as probation. During the probationary period, respondent's psychotherapist shall provide the Board with quarterly reports expounding

upon respondent's progress in therapy including respondent's ability to maintain her sobriety and her competence to engage in the independent clinical practice of social work. In the event the therapist becomes aware of a relapse, he or she shall notify the Board by telephone and in writing within twenty-four hours. Respondent's psychotherapist may not also serve as her supervisor, whose responsibilities are set forth in paragraph 3.

7. Respondent shall provide the Board with copies of all drug screens obtained during the random screens required as part of her court-ordered probation. Respondent shall report to the Board when she has completed her period of court-ordered probation, and shall provide a letter from her probation officer attesting to respondent's compliance with all the conditions of probation. In the event of a positive drug screen or other evidence of relapse, the probation officer shall notify the Board by telephone and in writing within twenty-four hours.

8. During her probation, respondent shall inform each employer of the terms of this Order immediately upon beginning employment and provide the employer with a copy of the Order. Respondent shall cause her employer to acknowledge in writing that the employer has received and reviewed a copy of this Order. Respondent shall provide a copy of each such acknowledgment to the Board within ten (10) days of signature.

NEW JERSEY BOARD OF SOCIAL WORK EXAMINERS

By: Doreen J. Bobby
Doreen J. Bobby, MSW, LCSW
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Dana T. Trudeau, LCSW

Dana T. Trudeau

I have read the within Order. I agree to supervise Dana Trudeau's clinical practice of social work during face-to-face sessions a minimum of one time per week for a minimum of one hour and to report quarterly to the Board regarding her progress, as set forth above.

Supervisor Signature

Print name: _____ License #: _____

Telephone #

(including area code and extension number)

I have read the within Order. I agree to provide psychotherapy as set forth above to Dana Trudeau and shall submit quarterly reports to the Board. I further agree to notify the Board in writing if psychotherapy ceases and notify the Board in the event of a relapse, in accordance with this Order.

Joy Reynolds, LCSW
Therapist Signature

Print name: Joy Reynolds, LCSW License #: _____

Telephone # 972 250-9002

(to be forwarded)